

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

IN RE: CAPITAL ONE CONSUMER )  
DATA SECURITY BREACH LITIGATION ) MDL No. 1:19md2915 (AJT/JFA)  
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**This Document Relates to the Consumer Cases**

**PLAINTIFFS' MOTION TO EXCLUDE OPINION B IN THE REPORT AND  
TESTIMONY OF JOHN ULZHEIMER**

Plaintiffs respectfully move to exclude Opinion B in the report and testimony of John Ulzheimer in accordance with the Federal Rules of Evidence, and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993) and its progeny. The grounds for the motion are set forth in the accompanying memorandum of law and supporting exhibits.

Dated: July 2, 2021

Respectfully submitted,

/s/ Steven T. Webster

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

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